

**THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY  
MINUTES OF THE FULL BOARD MEETING  
THURSDAY JANUARY 24, 2013 – 5:30 P.M.**

The regular monthly meeting of the Board of the Non-Flood Protection Asset Management Authority of the Orleans Levee District was held on Thursday, January 24, 2013 at 5:30 P.M., in the Lake Vista Community Center, 2<sup>nd</sup> Floor, 6500 Spanish Fort Blvd., New Orleans, Louisiana after due legal notice of the meeting was sent to each Board member, the news media, and a copy of the call was posted.

Chairman Lupo called the meeting to order at 5:43 p.m. and led in the Pledge of Allegiance. The roll was called and a quorum was present.

**PRESENT:**

Chairman Robert Lupo  
Secretary Greg Ernst  
Commissioner Romona Baudy  
Commissioner William Hoffman  
Commissioner Wilma Heaton  
Commissioner Michael Stack  
Commissioner Carlton Dufrechou  
Commissioner John Trask  
Commissioner Darrel Saizan  
Commissioner Pearl Cantrelle  
Commissioner Patrick DeRouen

**ABSENT:**

Vice Chairman Joe Hassinger  
Commissioner Stanley Brien  
Commissioner Nyka Scott

**STAFF:**

Louis Capo - Executive Director  
Sharon Martiny - Non-Flood  
Chuck Dixon – Marina Director  
Dawn Wagener – Non-Flood

**ALSO PRESENT:**

Al Pappalardo - Real Estate Consultant  
Gerard Metzger - Legal Counsel  
Steve Nelson – Stuart Consulting  
Chris Fenner – Stuart Consulting  
Alton Davis – Richard C. Lambert Consulting  
Walter Baudier – Design Engineering, Inc.  
Wesley Mills – Design Engineering, Inc.  
Gerry Gillen – Southeast Louisiana Flood Protection Authority  
Ray Landeche – Lakeshore Subdivision  
Nuncion Falcone – Orleans Marina Tenant

**ADOPT AGENDA**

Commissioner Ernst offered a motion to Adopt the Agenda, seconded by Commissioner Hoffman and unanimously adopted.

**APPROVAL OF PRIOR MINUTES**

Commissioner Baudy offered a motion to approve the minutes of the Board meeting held on December 13, 2012, seconded by Commissioner Hoffman and unanimously adopted.

**OPENING COMMENTS**

Chairman Lupo noted that this incredible country allows the citizens to have these types of meetings, Authorities and input from the general public. There is a new President and I wish the President of the United States good luck during the next four years. At this point, I would like to move to Agenda Item No. 1. There is a presentation and a Resolution that goes with it along with the statements from the Director of the Orleans Levee District, Southeast Louisiana Flood Protection Authority East, Gerry Gillen, and the Chairman, Tim Doody.

Commissioner Baudy offered a motion to change the order of the Agenda, seconded by Commissioner Hoffman and unanimously adopted by a roll call vote.

## **PRESENTATION**

### **Flood Protection and Erosion Control Project along Lakeshore Drive**

Walter Baudier, Design Engineering, Inc., noted that the Lakeshore Drive Seawall Erosion Control Project authorized by Tim Doody, President of the Southeast Louisiana Flood Protection Authority and Gerry Gillen, Executive Director of the Southeast Louisiana Flood Protection Authority is one of DEI's favorite projects. This major flood protection project along Lakeshore Drive involves stabilization, repairs and erosion control for Lakeshore Drive Seawall.

Mr. Baudier reported that the Lakefront Development was constructed 80 years ago and is approximately 1,745 acres in Zones 1 through 4. New Orleans Lakefront Airport is in Zone 5 and is also part of the project. The project will begin at the New Basin Canal and move east to Zone 1 through 4 and will continue to Zone 5 on Paris Road. This project includes 5.2 miles of seawall that was constructed in 1930. The 1,745 acre reclamation project was reclaimed first and the seawall was constructed afterwards in 690 days. This seawall was the first hurricane flood protection project constructed in New Orleans to prevent hurricanes from flooding the City of New Orleans. It is a water elevation seawall with a concrete erosion slab behind the seawall, seawall safety lighting and paving along the edge which was later removed. In 1931 there were 13 steps visible, but today there are only 8 steps visible due to a reduction of height of the seawall resulting from regional subsiding, local subsidence and rising water from Lake Pontchartrain. Starting in 1995 different methods such as an earth embankment, concrete, a pin side system, a tie back system on Reach 2 and Lakefront Airport and erosion cliffs were used to try and control the erosion of the seawall.

The plaza paving is the only erosion control that worked and was constructed immediately behind the seawall along with sheet piling driven behind the seawall to stabilize the wall. After Hurricane Katrina, FEMA would not authorize the entire area to be concreted so a pin side system was used which did not work. The plaza paving known as the Mardi Gras Fountain Plaza Area did work. Post Katrina in September 2005, the palm trees and lights were gone, but the plaza itself was fine. In constructing the plaza area the construction changed slightly from Reach 2 using vinyl sheet pile and drainage in the plaza due to concerns regarding drainage on Lakeshore Drive and the plaza itself.

Wesley Mills, Design Engineering, Inc., noted that the concrete erosion slab is a pile supported slab totaling 7,000 linear feet. The project is broken into two phases with Reach 1 being the first phase. Complete construction documents were prepared, the project was publicly advertised and SLFPA-E approved the low bidder and will enter into a Notice to Proceed in mid March. Reach 1-B of the project starts 400 feet east of the Lighthouse and continues to the Mardi Gras Fountain, past the Mardi Gras Fountain by approximately 400. There will be pedestrian crosswalks and accesses to the paved area along the project. Pedestrian accesses take pedestrians from off street parking bays by a crosswalk to access points along the slab. There will be decorative stamped and colored concrete in front of Shelter #1 along with landscaping.

The second phase, Reach 4 and 5, is approximately 300 feet west of Franklin Avenue and continues past Shelter #4 approximately 400 feet. There will also be pedestrian access points and decorative concrete in front of the Shelter Houses. Shelter #3 is currently being designed and is fully reimbursable by the Army Corps of Engineers to replace the damaged shelter by Bayou St. John.

The plaza paving area includes two sections. The first section is raised to gain back height lost to subsidence from rising waters and will consist of a supportive timber pile approximately 45 feet in length and a vinyl sheet pile behind the back of the existing seawall for seepage cutoff. Every joint along the seawall will be sealed to prevent embankment material from eroding on the back of the seawall from the pile supported section.

The second section is the pedestrian crosswalks and decorative areas in front of the shelters. The depressed area will be identical to the Mardi Gras Fountain and will include landscaping, palms, planters, park benches and will be depressed for wheelchair accessibility. Decorative areas span over 280 linear feet and pedestrian crosswalks are approximately 200 linear feet. Existing drain lines will be pulled from Lakeshore Drive to the seawall and new sub surface drainage structures will be installed. The discharge will be raised approximately 2½ feet which will alleviate issues with standing water and drainage on Lakeshore Drive. There are issues with Shelter #1, but the standing water has been drained and the parking area will be cleaned for FEMA to help with mitigation and repair.

Decorative features at pedestrian crosswalks and Shelter Houses include colored stamped concrete, landscaping, benches and trash receptacles. Trash receptacles and benches will be staggered along the entire project. The plaza area across from the Mardi Gras Fountain will be matched identical to the new area. Concrete balls will be located along the entire length of the project to help with delineation of the two areas, warn pedestrians that they are stepping into oncoming traffic and deter fisherman from driving trucks on the area. An LED safety lighting system will be spaced 100 foot on center along the entire project and 10 feet off the back of the seawall. The electrical system will be split between SLFPA's new lighting system and the Non-Flood Authority Lakeshore Drive lighting system. Hidden isolation packs will be installed which consist of a concrete top that can be removed at a later date to add palms or planters. All planters will also include spare PVC conduits should up-lighting be chosen at a later date. Lakeshore Drive and all parking bays will be re-stripped starting east of Landry's all the way to the Orleans Canal and includes the entire edge lines, center lines and parking stalls along with the crosswalks. There are approximately 250 parking bays along Lakeshore Drive with only a handful eliminated due to new ADA codes regarding crosswalks and handi-capped parking stalls for van accessibility. This is a one year project which will start in mid-February. The project is 320 calendar days with a 30 day assembly period.

Mr. Mills informed the Board that Phase 2 is currently being designed and is scheduled to advertise before completion of Phase 1 (Reach 1-B) with the intent to start construction after 1-B is completed. There will be temporary traffic detouring as the contractor is allowed to take up one lane for a limited time to make deliveries of materials. The contractor can shut down off street parking on the north side of Lakeshore Drive during normal working hours. Three to four lanes will be maintained throughout the entire project. A bike path was considered along Lakeshore Drive, but striping was chosen towards the end of the design due to damage to striping from scraping debris from Lakeshore Drive and debris removal from Hurricanes Katrina and Isaac along with maintenance throughout the year.

Mr. Baudier thanked Mr. Doody and Mr. Gillen for their personal involvement in the project to make sure this project along with all of the features would be incorporated as there were concerns that the flood control project could not be compatible with the adjacent property.

## **NEW BUSINESS**

### **Motion No. 01-012413 - To recognize Southeast Louisiana Flood Protection Authority – East for the Board's efforts to upgrade flood protection and erosion control along Lakeshore Drive**

Chairman Lupo read Resolution No. 01-012413 due to the importance to the community and the incredible impact this project will make on erosion control behind the seawall. The Southeast Louisiana Flood Protection Authority – East delved into and saw not only the possibilities to make this project compatible to the community, but saw historically this was done originally in the 1930's as the paved section were in the original photos of the seawall along Lakeshore Drive. Chairman Lupo stated his enthusiasm regarding this project and the fact that Southeast Louisiana Flood Protection Authority – East has seen the value of this resolution by not only helping to prevent flooding, but creating something very special at the same time.

Mr. Doody advised that SLFPA-E sought an Attorney General's Opinion to determine how much could be done to make Lakeshore Drive nicer for the community and the proper response was received. The Corps of Engineers used the seawall in calculations for designing the perimeter system behind the seawall. SLFPA-E has asked Congress and the Corps since the perimeter system was in the Corps design that perimeter system should be put into the protection system making it eligible for PL 8499 in the event of future damage to the seawall so the Flood Authority could be eligible for FEMA money to make repairs. That plea so far has been met with deaf ears, but we continue to push Congress and the Corps.

Commissioner DeRouen thanked Mr. Doody for all of his efforts regarding the bond renewal and assisting this Authority to obtain a funding source for the future as his help was instrumental in making that occur. Chairman Lupo thanked Mr. Gillen, who was instrumental in understanding the erosion control project and its importance to the community and also the staff at Design Engineering for the quality of work done on the Plaza and for literally constructing the same type of erosion control in the Reaches that were there previously. The difference this project will make in the 5.2 mile stretch of Lakeshore Drive is important to the community and the citizens will be very impressed.

Commissioner Heaton requested a copy of the Resolution be sent to the State, the Congressional Delegation, the Governor's Office and the City so they can see that the Flood and Non-Flood Authorities are working together along with a letter that can be signed by the Board to make mention of this as it is a great opportunity to educate them.

Chairman Lupo offered a Motion to recognize the Southeast Louisiana Flood Protection Authority – East for their efforts in erosion control along Lakeshore Drive, seconded by Commissioner Saizan and unanimously adopted to wit:

**MOTION:** 01-012413  
**RESOLUTION:** 01-012413  
**BY:** CHAIRMAN LUPO  
**SECONDED BY:** COMMISSIONER SAIZAN

January 24, 2013

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority (the "Management Authority") is a political subdivision of State of Louisiana and the governing authority of the non-flood assets of the Orleans Levee District ("District");

**WHEREAS**, the Southeast Louisiana Flood Protection Authority – East has the responsibility for flood control in the Orleans Levee District; and

**WHEREAS**, the Lakeshore Drive (Lake Pontchartrain) Seawall was designed and constructed by the Board of Levee Commissioners of the Orleans Levee District pursuant to Act 292 of 1928; and

**WHEREAS**, the Lakeshore Drive (Lake Pontchartrain) Seawall project was constructed as a flood protection system to aid in the prevention of flooding from the rising waters of Lake Pontchartrain in Orleans Parish; and

**WHEREAS**, the Orleans Levee District was also empowered to defray the cost and expenses of construction of the Lakeshore Drive (Lake Pontchartrain) Seawall Flood Control System by creating lands and other public works south of the seawall, provided a portion of the land remained parks and parkways; and

**WHEREAS**, the Southeast Louisiana Flood Protection Authority – East has recognized that the Lakeshore Drive Seawall Flood Protection System, which was originally constructed over 80 years ago, has settled, is causing erosion, and is in need of repair since it provides flood protection for Orleans Parish; and

**WHEREAS**, the Southeast Louisiana Flood Protection Authority – East has prepared designs for construction and is moving forward with the repairs to the Lakeshore Drive (Lake Pontchartrain) Seawall; and

**WHEREAS**, the proposed construction is compatible with the adjacent properties and demonstrates the agency's understanding of the adjacent uses and the need to be compatible with those uses; and

**WHEREAS**, the Non-Flood Protection Asset Management Authority is charged with the management of the adjacent land which includes parks and parkways and its uses; and

**WHEREAS**, the Non-Flood Protection Asset Management Authority wishes to express to the Southeast Louisiana Flood Protection Authority - East its appreciation for addressing the flood control repairs of the Lakeshore Drive (Lake Pontchartrain) Seawall and ensuring that the flood control design is compatible with the adjacent properties and their use as highly trafficked parks and parkways; and

**BE IT RESOLVED**, that the Non-Flood Protection Asset Management Authority commends the Southeast Louisiana Flood Protection Authority – East for its recognition of their flood control design in a park and parkway area demonstrating that flood control, an essential part of the community, can be constructed in a manner compatible with adjacent land use.

**BE IT FURTHER RESOLVED**, that the Non-Flood Protection Asset Management Authority looks forward to working with the Southeast Flood Protection Authority – East in its flood protection efforts and hereby expresses its appreciation for the Southeast Flood Protection Authority – East’s flood control efforts in a community sensitive manner.

**AYES:** LUPO, ERNST, BAUDY, HOFFMAN, HEATON, STACK, DUFRECHOU, TRASK, SAIZAN, CANTRELLE, DEROUEN

**NAYS:** NONE

**ABSTAIN:**

**ABSENT:** HASSINGER, BRIEN, SCOTT

**RESOLUTION ADOPTED:** YES

Chairman Lupo requested a break to thank the Director of the Orleans Levee District, Southeast Louisiana Flood Protection Authority East, Gerry Gillen, and the Chairman Tim Doody. After a unanimous roll call vote a recess was taken. Chairman Lupo then called the meeting back into session and moved directly to the motions.

Commissioner Ernst offered a Motion to hear the motions before the Committee Reports, Executive Session and Old Business, seconded by Commissioner Dufrechou and unanimously adopted.

**Motion No. 02-012413 – Approve a Supplemental Agreement for Richard C. Lambert Consultants for the Chevron Office Building Project to update the Fee Curve to the 2007 Fee Curve**

Mr. Capo noted that this Supplemental Agreement with Richard C. Lambert Consultants is to update the fee curve to the 2007 fee curve for the Chevron Office Building project. This will allow Section 5.1.1 of the Agreement to be changed to calculate the Consultant’s fee from Curve B dated October 1999 to Curve B dated June 2007 with all other terms and conditions of the Agreement to remain the same. The original contract called for the 1999 fee curve. Chairman Lupo noted that FEMA pay curves get updated based on the type of project.

Commissioner Hoffman offered a motion to update the fee curve to the 2007 fee curve for Richard C. Lambert Consultants for the Chevron Office Building, seconded by Commissioner Dufrechou and unanimously adopted to wit:

**MOTION:** 02-012413  
**RESOLUTION:** 02-012413  
**BY:** COMMISSIONER SAIZAN  
**SECONDED BY:** COMMISSIONER DUFRECHOU

January 24, 2013

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority (the “Management Authority”) is a political subdivision of State of Louisiana and the governing authority of the non-flood assets of the Orleans Levee District (“District”);

**WHEREAS**, the New Orleans Lakefront Airport (“Airport”) is one of the non-flood assets of the District under the management and control of the Management Authority;

**WHEREAS**, the Management Authority and Richard C. Lambert Consultants, LLC, (“Consultant”) entered into an Agreement on the 5<sup>th</sup> day of June, 2012 for the Consultant to provide professional services for the construction of the Chevron Office Building at the Airport (“Agreement”);

**WHEREAS**, the Management Authority has elected to pursue the Chevron Office Building as an Improved Project under FEMA’s Public Assistance regulations;

**WHEREAS**, the Management Authority requested that the Consultant prepare a complete scope of work and cost estimate for the work necessary to restore the Chevron Office Building to its pre-Katrina state;

**WHEREAS**, the Consultant requested that the Agreement be amended to revise the scope and compensation to accurately reflect the change in scope requested by the Management Authority;

**WHEREAS**, in order to provide compensation commensurate with the actual effort required to complete the revised scope of work, the Consultant requested that Section 5.1.1 of the Agreement be amended to change the cost curve used to calculate the Consultant’s fee from Curve “B” in the Public Assistance Guide FEMA 322, dated October 1999, to Curve “B” in the Public Assistance Guide FEMA 322, dated June 2007;

**WHEREAS**, the Airport Committee at its January meeting considered the request to revise the compensation of the Agreement as detailed above and unanimously voted to recommend approval to the Management Authority; and,

**WHEREAS**, the Management Authority considers it to be in the best interest of the Airport to approve an amendment of the Agreement to revise the compensation as detailed above.

**BE IT HEREBY RESOLVED**, that the Management Authority approves a Supplement Agreement with the Consultant revising Section 5.1.1 of the Agreement by changing the cost curve used to calculate the Consultant's fee from Curve "B" in the Public Assistance Guide FEMA 322, dated October 1999, to Curve "B" in the Public Assistance Guide FEMA 322, dated June 2007, with all other terms and conditions of the Agreement to remain the same.

**BE IT FURTHER RESOLVED**, that the Authority Chairman or Executive Director be and is hereby authorized to execute any and all documents necessary to carry out the above.

**AYES:** LUPO, ERNST, BAUDY, HOFFMAN, HEATON, STACK, DUFRECHOU, TRASK,  
SAIZAN, CANTRELLE, DEROUEN  
**NAYS:** NONE  
**ABSTAIN:**  
**ABSENT:** HASSINGER, BRIEN, SCOTT  
**RESOLUTION ADOPTED:** YES

**Motion No. 03-012413 – Approve Extension of the Construction Observation Contract for the Bastian-Mitchell Hangar with Richard C. Lambert Consultants through February 28, 2013**

The Supplemental Agreement will extend the completion date for Construction Observation services from January 31, 2013 to February 28, 2013 with all terms and conditions of the Agreement remaining the same.

Alton Davis, Richard C. Lambert Consultants, advised that RCL was approved by FEMA to provide construction observation services through the end of February, 2013 and the costs are reimbursed to the Authority. Time-wise, this project is on scheduled and the steel is erected and crews are working double shifts. The completion date is February 28, 2013, but it may slip by one week. A tour date will be arranged for all interested Board members to tour the Bastian-Mitchell Hangar when it is completed in March.

Commissioner Saizan offered a motion to approve the extension of the Construction Observation contract for the Bastian-Mitchell Hangar with RCL through February 28, 2013, seconded by Commissioner Ernst and unanimously adopted to wit:

**MOTION:** 03-012413  
**RESOLUTION:** 03-012413  
**BY:** COMMISSIONER SAIZAN  
**SECONDED BY:** COMMISSIONER ERNST

January 24, 2013

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority (the "Management Authority") is a political subdivision of State of Louisiana and the governing authority of the non-flood assets of the Orleans Levee District ("District");

**WHEREAS**, the Management Authority is the successor of the former Board of Commissioners of the Orleans Levee District and of the Division of Administration, State of Louisiana, which previously managed the non-flood assets of the Orleans Levee District;

**WHEREAS**, the New Orleans Lakefront Airport ("Airport") is one of the non-flood assets of the District under the management and control of the Management Authority;

**WHEREAS**, the former Board of Commissioners of the Orleans Levee District and Richard C. Lambert Consultants, LLC, ("Consultant") entered into an Agreement on the 26<sup>th</sup> day of May, 2006 for Consultant to provide professional services at the Airport in connection with the rebuilding of the Bastian and Mitchell Hangars ("Agreement");

**WHEREAS**, Supplemental Agreement No. 32 approved by Resolution 04-111512 of the Management Authority and dated November 15, 2012 extended the Agreement through December 31, 2013;

**WHEREAS**, Supplemental Agreement No. 27 approved by Resolution No. 04-030112 of the Management Authority authorized the services of an on-site Construction Observer for 10-25 hours of observation per week at an hourly rate of \$80 per hour starting on March 13, 2012 and ending on November 2, 2012;

**WHEREAS**, Supplemental Agreement No. 33 approved by Resolution 05-111512 of the Management Authority and dated November 16, 2012 extended the Construction Observation services through January 31, 2013;

**WHEREAS**, due to delays to the contractor's schedule outside of the Management Authority's or Consultant's control, the critical construction activities requiring observation will continue until February 28, 2013;

**WHEREAS**, the Consultant has requested that the Agreement be amended to extend the Construction Observation services until February 28, 2013.

**WHEREAS**, the Airport Committee at its January meeting considered the request to extend the Construction Observation services until February 28, 2013 and unanimously voted to recommend this extension to the Management Authority; and,

**WHEREAS**, the Management Authority considers it to be in the best interest of the Airport to approve an amendment of the Agreement to extend the Construction Observation services until February 28, 2013.

**THEREFORE, BE IT HEREBY RESOLVED**, that the Management Authority approves a Supplement Agreement with the Consultant extending the completion date for Construction Observation services from January 31, 2013 to February 28, 2013, with all other terms and conditions of the Agreement to remain the same.

**BE IT FURTHER RESOLVED**, that the Authority Chairman or Executive Director be and is hereby authorized to execute any and all documents necessary to carry out the above.

**AYES:** LUPO, ERNST, BAUDY, HOFFMAN, HEATON, STACK, DUFRECHOU, TRASK, SAIZAN, CANTRELLE, DEROUEN

**NAYS:** NONE

**ABSTAIN:**

**ABSENT:** HASSINGER, BRIEN, SCOTT

**RESOLUTION ADOPTED:** YES

**Motion No. 04-012413 – Approval of contract for the repair of the Aircraft Rescue and Fire Fighter E One fire truck in the amount of \$26,650 plus the cost of parts and for the lease of a loaner truck with Crash Rescue**

Commissioner Saizan informed that the E One fire truck is 10 years old and in need of repair. The truck will be repaired and the Authority has an opportunity to get a new truck funded through the FAA AIP program in the next grant cycle. The new truck will cost approximately \$750,000. The Authority will pursue funding for a new truck and at some point there will be two trucks at the Airport. Mr. Capo informed that the truck was taken off site for repairs and the loaner truck is to ensure firefighting capabilities for the Super Bowl.

Commissioner Saizan offered a motion for approval of contract for the repair of the Aircraft Rescue and Fire Fighter E One fire truck in the amount of \$26,650 plus the cost of parts and for the lease of a loaner truck with Crash Rescue, seconded by Commissioner Hoffman and unanimously adopted to wit:

**MOTION:** 04-012413

**RESOLUTION:** 04-012413

**BY:** COMMISSIONER SAIZAN

**SECONDED BY:** COMMISSIONER HOFFMAN

January 24, 2012

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

**WHEREAS**, the New Orleans Lakefront Airport (“Airport”) is one of the non-flood assets of the Orleans Levee District under the management and control of the Management Authority;

**WHEREAS**, the District owns an E-One Titan 1500 Aircraft Rescue and Fire Fighting Truck (ARFF) that is used at the Airport;

**WHEREAS**, the E-One Titan 1500 Aircraft Rescue and Fire Fighting Truck (ARFF) is in need of certain repairs, including transmission repairs and wheel seals repairs;

**WHEREAS**, the Airport will need to lease an Aircraft Rescue and Fire Fighting Truck while the District’s ARFF is being repaired;

**WHEREAS**, bids were requested for the repairs and for the lease of a vehicle, and the lowest bid was submitted by Crash Rescue Equipment Service, Inc. in the amount of \$26,250.00, plus the cost of parts;

**WHEREAS**, the Airport Committee at its January meeting considered the bid submitted by Crash Rescue Equipment Service, Inc. and unanimously voted to recommend that the Management Authority approve a contract for the necessary repairs and lease of the vehicle with Crash Rescue Equipment Service, Inc. under the terms set forth above; and,

**WHEREAS**, the Management Authority considers it to be in the best interest of the Orleans Levee District and the Airport to approve a contract with Crash Rescue Equipment Service, Inc. under the terms set forth above.

**BE IT HEREBY RESOLVED**, that the Management Authority approves a contract with Crash Rescue Equipment Service, Inc. for repairs to the E-One Titan 1500 Aircraft Rescue and Fire Fighting Truck (ARFF) and lease of a substitute vehicle for the sum of \$26,250.00, plus the cost of parts;

**BE IT HEREBY FURTHER RESOLVED**, that the Chairman or Executive Director is authorized to sign any and all documents necessary to carry out the above.

**AYES:** LUPO, ERNST, BAUDY, HOFFMAN, HEATON, STACK, DUFRECHOU, TRASK, SAIZAN, CANTRELLE, DEROUEN

**NAYS:** NONE

**ABSTAIN:**

**ABSENT:** HASSINGER, BRIEN, SCOTT

**RESOLUTION ADOPTED:** YES

**Motion No. 05-012413 – Approval of a contract with Wallace C. Drennan, Inc., as the lowest responsible bidder for the repair of the Mardi Gras Fountain in the amount of \$1,288,024.42**

Chairman Lupo noted that this project is completely reimbursable by FEMA and the Corps of Engineers. One portion will be reimbursed by the Corps due to the utility crossing located in the area and another portion is funded by FEMA as a result of Hurricane Katrina. The project is 150 calendar days to complete.

Mr. Baudier noted that there were several meetings with Chairman Lupo to go over the design of what the water and the fountain will look like. A photograph of the original fountain was found so we tried to make this design look very similar to what it was in the 1960's when it was originally built.

Mr. Wesley Mills informed that the scope of the Mardi Gras Fountain contract is to repair the Fountain from Hurricane Katrina damage. The project will include a new mechanical system, pumps, lighting fixtures, electrical equipment, control panel on the protected side of the levee, cleaning of some of the drain obstructions around the fountain, electrical lighting plaques and restoration of the plaques around the Fountain. The contract will not include repair of the brick pavers around the fountain as FEMA saw that as landscaping. The fountain will have programmable lights that will osculate different colors on a variable speed drive along with pumps that will go up and down similar to what was previously there. Commissioner Heaton suggested security cameras for the future as vandalism was a previous problem with the Fountain. The Board is excited about the project and wants to make sure that it is secure upon completion.

Mr. Baudier informed that the low bidder on the Mardi Gras Fountain was disqualified because he did not have proper licensing. The low bidder was \$88,000 less than the second low bidder, Wallace Drennan. A heavy construction license is required as the fountain comes across the levee and the utilities feeding the project are across the levee at that location. The utilities will be split off at that point so the Flood and Non-Flood utilities are separated. When dealing with the levee the proper contractor and licenses must be in place for the project. A hearing process was followed with the disqualified contractor in which Mr. Curtis was present wherein the contractor presented his case as to why he should be the contractor. This was reviewed and checked with the Attorney General's Office for the State of Louisiana and the Licensing Office for General Contractors and both parties told us that he was not licensed. Mr. Metzger advised that the Authority complied with the public bid laws and gave the contractor the opportunity to be heard. This requirement was in the bid documents, but the contractor did not comply because the individual held the license not the company. This process does not preclude the contractor from bringing an action to enjoin, but the Authority will move forward if the Board adopts the Resolution and a contract will be signed. If the contractor does not file an appropriate action to enjoin he will be precluded from doing so. Mr. Baudier noted that FEMA and the Corps have concurred that the cost budget was acceptable.

Commissioner Hassinger offered a motion in the February Recreation/Subdivision meeting for approval of contract with Wallace C. Drennan in the amount of \$1,288,024.42 for the repair of the Mardi Gras Fountain, seconded by Commissioner Ernst and unanimously adopted to wit:

**MOTION: 05-012413**  
**RESOLUTION: 05-012413**  
**BY: COMMISSIONER HASSINGER**  
**SECONDED: COMMISSIONER ERNST**

**January 24, 2013**

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority ("Management Authority") is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District ("District");

**WHEREAS**, Lakeshore Drive in the City of New Orleans where the Mardi Gras Fountain is located is a non-flood protection asset of the District managed and controlled by the Management Authority;

**WHEREAS**, the Mardi Gras Fountain was damaged by Hurricane Katrina in August of 2005;

**WHEREAS**, the Management Authority publicly advertised for bids in accordance with the provisions of the Louisiana Public Bid Law to repair the Mardi Gras Fountain, identified as NFPAMA Project No. 9530011C Hurricane Katrina Damage Repair of the Mardi Gras Fountain (the "Project");

**WHEREAS**, the low bidder on the Project was disqualified for not having the proper license classifications to complete the work required under the bid documents for the Project;

**WHEREAS**, the second low bidder on the Project was Wallace C. Drennan, Inc., which was properly licensed for the work as required under the bid documents, and as such was the lowest responsible bidder for the Project with a bid in the amount of \$1,288,024.42;

**WHEREAS**, funding for the Project has been identified from FEMA funding the United States Army Corp of Engineers; and,

**WHEREAS**, after considering the bids and recommendations of staff and the supervising engineer for the Project, the Management Authority resolved that it is in the best interest of the District to award a contract for this Project to Wallace C. Drennan, Inc.

**BE IT HEREBY RESOLVED**, that the Management Authority accepts the bid and awards the contract in the amount of \$1,288,024.42 for this Project to Wallace C. Drennan, Inc.; and,

**BE IT FURTHER RESOLVED**, that the Authority Chairman or Executive Director is hereby authorized to sign any and all documents necessary to carry out the above.

**AYES:** LUPO, ERNST, BAUDY, HOFFMAN, HEATON, STACK, DUFRECHOU, TRASK,  
SAIZAN, CANTRELLE, DEROUEN  
**NAYS:** NONE  
**ABSTAIN:**  
**ABSENT:** HASSINGER, BRIEN, SCOTT  
**RESOLUTION ADOPTED:** YES

**Motion No. 06-012413 – Approval of contract with Capital Glass & Mirror, LLC to repair all leaks to the tower of the main terminal building at Lakefront Airport for a total cost of \$38,975**

Mr. Davis noted that in the summer of 2012 water infiltration was found in the observation tower based on the work done on the exterior of the building which was still under warranty of the contractor and manufacturer of the glazing. At the time it was thought to be condensation given the lack of air conditioning in the building which makes the building very hot and humid. During Hurricane Isaac there was major water in the tower which was not due to condensation. The contractor, Lathan Company, was notified immediately by certified letter to record the issue as the warranty was approximately three weeks from expiration. A water test was performed to determine where the water was infiltrating and a report was prepared stating the problem was with the sill condition.

The original sub-contractor gave a quote of \$30,000, but cannot be used as it would be a conflict of interest. The sub-contractor (Capital Glass) at the Bastian-Mitchell Hangar gave a quote of \$38,975. RCL is requesting the Authority approve RCL to pay for repairs to avoid additional delays with Belou-Magner. If the Tower is not made water tight, further leaks will create problems with the plaster work on those levels. Jerry Lathan was formally notified by e-mail and letter that the Authority will make the repairs as no commitment to repair was received from the Lathan Company. The Authority can then proceed to seek legal restitution from the Lathan Company.

Mr. Capo informed that Mr. Metzger would send Mr. Lathan a demand letter to put them on notice and make demand for the work. Mr. Metzger advised that if the Lathan Company fails to contact Mr. Davis with a definite date to make repairs, RCL will hire All Glass to do the repairs. If the repairs are made the Authority will then sue the Lathan Company as it is a warranty issue. Mr. Davis informed he will advise the Lathan Company of the Resolution allowing RCL to proceed with repairs and inform Mr. Lathan to provide a date when the Lathan Company could make repairs to avoid a potential lawsuit. Commissioner Hoffman noted for the record that the Authority will file suit if Mr. Lathan does not take action. Mr. Davis informed the Board that warranties were in place and Mr. Lathan was notified in time.

Commissioner Saizan offered a motion for approval of a contract with Capital Glass & Mirror, LLC to repair all leaks to the tower of the main terminal building at Lakefront Airport for a total cost of \$38,975, seconded by Commissioner Hoffman and unanimously adopted to wit:

**MOTION:** 06-012413  
**RESOLUTION:** 06-012413  
**BY:** COMMISSIONER SAIZAN  
**SECONDED BY:** COMMISSIONER HOFFMAN

January 24, 2012

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

**WHEREAS**, the New Orleans Lakefront Airport (“Airport”) is one of the non-flood assets of the District under the management and control of the Management Authority;

**WHEREAS**, the District entered into a contract with The Lathan Company, Inc. (“Lathan”) for exterior repairs to the main terminal building at the Airport (the “Project”);

**WHEREAS**, after the Project was completed, water leaks were observed in the tower of the main terminal building at the Airport;

**WHEREAS**, the water leaks are a result of work performed by Lathan pursuant to the Project and is under warranty;

**WHEREAS**, the Project architect, RCL Architecture, L.L.C., has made demand on Lathan to repair the water leaks under warranty and Lathan has refused to do so;

**WHEREAS**, Capital Glass & Mirror, L.L.C. has presented the Management Authority with a proposal to stop all leaks in the system and at the substrate upon which it sits for a total cost of \$38,975.00 (the “Proposal”);

**WHEREAS**, it is necessary that the water leaks be repaired as soon as possible to prevent further damage to the interior of the main terminal at the Airport; and,

**WHEREAS**, after considering the Proposal and the recommendations of staff and the project architect, the Management Authority resolved that it is in the best interest of the District and of the Airport to award a contract for the services to Capital Glass & Mirror, L.L.C.

**BE IT HEREBY RESOLVED**, that the Management authority accepts the proposal of Capital Glass & Mirror, L.L.C. in the amount of \$38,975.00;

**BE IT HEREBY FURTHER RESOLVED**, that the Authority Chairman or Executive Director is authorized to sign any and all documents necessary to carry out the above.

**AYES:** LUPO, ERNST, BAUDY, HOFFMAN, HEATON, STACK, DUFRECHOU, TRASK, SAIZAN, CANTRELLE, DEROUEN

**NAYS:** NONE

**ABSTAIN:**

**ABSENT:** HASSINGER, BRIEN, SCOTT

**RESOLUTION ADOPTED:** YES

**Motion No. 07-012413 - Motion for approval to file an application by the Non-Flood Protection Asset Management Authority with Capital One Bank for a credit card with a limit of \$5,000**

Commissioner Hoffman informed that any Board has concerns with credit cards in today’s environment. Administration was directed to prepare written procedures regarding the use of the credit card and instructed to attach a listing with all charges on the credit card to the monthly reports given to the Finance Committee so the card can be monitored.

Mr. Capo advised that written procedures were prepared. Administration is requesting a credit card as it is difficult to function businesswise without one when attending business trips out of town, booking hotel rooms and purchasing equipment. If approved, the credit card will have limited use for special and emergency situations only. Currently, Staff has to request permission from the Flood Authority to use the Orleans Levee District credit card.

Commissioner DeRouen advised that the check register and credit card statements for the Authority are circulated to the Finance Committee for their review and become part of the monthly minutes. Mr. Capo noted that if a Director needs to make a credit card purchase a request must be submitted in writing and approved to make the purchase. Ms. Wagener will secure the credit card in a locked location and once the request is approved Ms. Wagener will make the purchase. The approval documents, request documents, invoices and statements associated with the purchase will be presented to the Finance Committee. The card will not be used for entertainment purposes.

Chairman Lupo noted that the card is going to be in Mr. Capo's name, but the Resolution states the card will be in the name of the Management Authority. Commissioner Heaton advised that the primary card will say Orleans Levee District Non-Flood Asset Management, but will list Mr. Capo as an authorized signature. Chairman Lupo requested an amendment to remove the Chairman of the Management Authority as an authorized signature for the card. Commissioner Hoffman advised two people must have authority to use the credit card in the event the Executive Director is not available. Chairman Lupo suggested that the Resolution be changed from the Chairman of the Management Authority to the Finance Chairman of the Management Authority. The amendment was seconded by Commissioner Hoffman and unanimously adopted.

Commissioner Hoffman offered a motion to approve the filing of an application by the Non-Flood Protection Asset Management Authority with Capital One Bank for a credit card with a limit of \$5,000, seconded by Commissioner Heaton and unanimously adopted to wit:

**MOTION:** 07-012412  
**RESOLUTION:** 07-012413  
**BY:** COMMISSIONER HOFFMAN  
**SECONDED:** COMMISSIONER HEATON

January 24, 2013

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority ("Management Authority") is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District ("District");

**WHEREAS**, the Orleans Levee District owns and manages a number of commercial properties, two marinas and the New Orleans Lakefront Airport;

**WHEREAS**, in connection with the management of this property and the business of the District, it is necessary on some occasions to have a credit card account to engage in commercial transactions related to the management of these properties and the business of the District;

**WHEREAS**, the Executive Director of the Management Authority has recommended that a commercial credit card account be opened in the name of the Management Authority and/or Orleans Levee District Non-Flood Assets with Capital One Bank, with a credit limit of \$5,000.00, and which may only be used and signed by the Executive Director or Chairman of the Management Authority;

**WHEREAS**, the Finance Committee at its January Meeting considered the recommendation of the Executive Director and unanimously voted to recommend that the Management Authority open and establish a commercial credit card account under the terms presented to the Committee by the Executive Director; and,

**WHEREAS**, the Management Authority considers it to be in the best interest of the Orleans Levee District to authorize the Executive Director to open and establish a commercial credit account under the terms presented to the Finance Committee by the Executive Director.

**BE IT HEREBY RESOLVED**, that the Management Authority authorizes the Executive Director to open and establish in the name of the Management Authority and/or Orleans Levee District Non-Flood Assets a commercial credit card account with Capital One Bank, with a credit limit of \$5,000.00, and which credit card may only be used and signed by the Executive Director or Chairman of the Management Authority;

**BE IT HEREBY FURTHER RESOLVED**, that the Authority Chairman or Executive Director be and is hereby authorized to sign any and documents necessary to carry out the above.

**AYES:** LUPO, ERNST, BAUDY, HOFFMAN, HEATON, STACK, DUFRECHOU, TRASK, SAIZAN, CANTRELLE, DEROUEN

**NAYS:** NONE

**ABSTAIN:**

**ABSENT:** HASSINGER, BRIEN, SCOTT

**RESOLUTION ADOPTED:** YES

**Motion No. 08-012413 – Authorize Legal Counsel for Non-Flood Protection Asset Management Authority to institute legal action regarding the assessment of ad valorem taxes on the improvements located on Orleans Marina Boathouse Site N-28 and on any other immovable property owned by the Orleans Levee District**

Chairman Lupo moved to indefinitely suspend Motion No. 08-012413 because more discussions are needed with the City regarding this matter, seconded by Commissioner DeRouen and unanimously adopted.

Chairman Lupo advised that there would be no Committee Reports as all information was covered in the motions. There is no Executive Session, Old Business or Public Comments. Chairman Lupo wished everyone a happy carnival season and Mardi Gras.

**NEXT BOARD MEETING**

The next full Board meeting of the Non-Flood Protection Asset Management Authority is scheduled for Thursday, February 21, 2013 at 5:30 p.m.

**ADJOURNMENT**

Commissioner Ernst offered a motion to adjourn, seconded by Commissioner Dufrechou and unanimously adopted.

The meeting adjourned at 7:23 p.m.